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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/912,206	07/24/2001	Jason Gauci	2754	8122

7590 04/08/2005

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EXAMINER

SZUMNY, JONATHON A

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 04/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/912,206

Applicant(s)

GAUCI, JASON

Examiner

Jon A Szumny

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 March 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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This is the fourth office action for application number 10/912,206, Outdoor Light Mounting Bracket, filed on July 24, 2001.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Priority

Domestic priority of application number 09/320,257 filed on May 26, 1999 is acknowledged.

Claim Rejections - 35 USC § 112

Claims 11-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11 recites the limitation "said light fixture" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Regarding claim 15, it is not clear if the light fixture is functionally or positively recited. The preamble states the former ("*for securing* a light fixture..."), but then the light fixture is recited positively in line 3, "a first support located on the light fixture." The applicant must make it clear whether the light fixture is functionally or positively recited. For the purposes of this office action, the Examiner will assume the light fixture is merely *functionally* recited.

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In claim 18, it is recited, "the second support further includes a pair of...lower projections," and "the first support includes a pair of lower apertures." However, it was already recited in claim 15 that the second support has "at least one lower projection" and the first support has "at least one lower aperture." Therefore, it would appear that in claim 18 there are now a total of at least three lower projections and at least three lower apertures. However, for the purposes of this office action, the Examiner will assume that in claim 18 there are a total of two lower projections and two lower apertures. For instance, modifying claim 18 to read -- wherein the at least one lower projection of the second support includes a pair of...-- along with a similar change to the lower apertures would alleviate this rejection.

Claim Rejections - 35 USC § 102

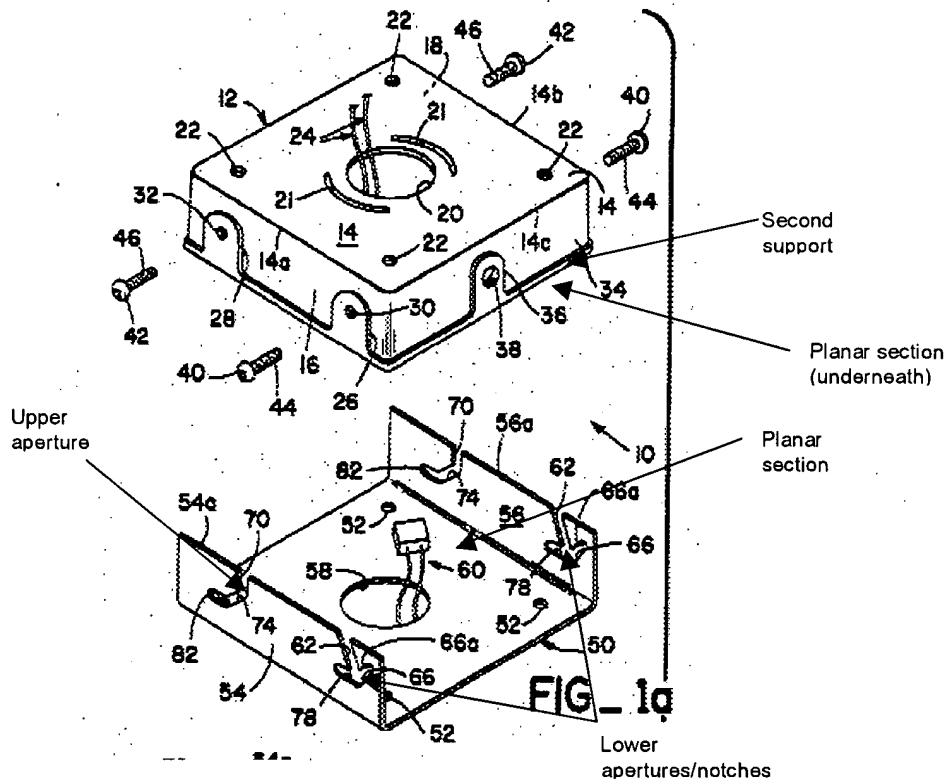
The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 11-16, 18, 19 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent number 4,368,506 to Rapp.

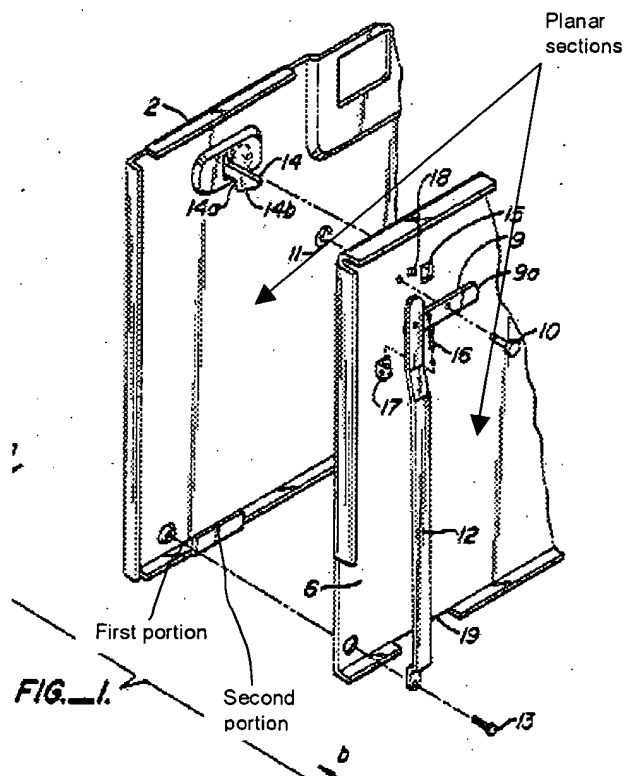
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Rapp '506 discloses an assembly (figures 1,2) comprising a first support (50) located on a fixture (88) and including a planar section (above) having at least one upper aperture (above) and two opposingly located lower apertures/notches (above), a second support (above) including a planar section having at least one upper projection (42) and at least two opposingly located and linearly spaced apart lower projections (40) wherein the upper and lower projections are positioned to align with the upper and lower apertures on the first support, wherein the lower projections are angled upwardly (inherently, depending on a user's specific vantage point), wherein the upper projection includes a threaded portion (46) which coacts with a threaded element (32), whereby the assembly can perform all claimed functions.

Claim 15,17,19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S.

Patent number 4,824,061 to Sumikama et al.



Sumikama et al. '061 discloses an assembly (figure 1) comprising a first support (6) located on a fixture (12, a "light fixture" is a "fixture for a light," so clearly, 12 could be *some* fixture *for* a light) and including a planar section (above) having at least one upper aperture (15) and at least one lower aperture (19, generally), a second support (2) including a planar section (above) having at least one upper projection (14) and at least one lower projection (3, from figure 6, same numerals so not repeated in figure 1) wherein the upper and lower projections are positioned to align with the upper and lower apertures on the first support, wherein the lower projection further includes a first portion (above) extending perpendicularly from the planar

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section of the second support and a second portion (above) angled upwardly from the distal end of the first portion, the second portion being planar and configured to abut the first support planar section when the first support is in a first position.

Claim Rejections - 35 USC § 103

Claims 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rapp '506.

Rapp '506 teaches the previous invention wherein a first support has first and second apertures and a second support as first and second projections, wherein the second support is secured to a support surface (see figure 2) wherein the first support is supported in an angled disposition relative to the second support by disposing the first projection through the first aperture (see figures 3,4) wherein inherently the first support is rotated upwardly such that the second projection is inserted through the second aperture such that the first and second support are secured adjacent each other via engaging a threaded portion (46) of the second projection with a threaded fastener (32, it is a device that fastens, so it is a fastener). However, Rapp '506 fails to specifically teach the surface to be a vertical surface. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have secured the second support to any number of support surfaces, including horizontal, vertical, etc. so long as it is a substantially flat surface as is taught in figure 2 of Rapp '506 and thus securing the second support specifically to a vertical support surface is not considered patentable.

Response to Arguments

Applicant's arguments filed August 18, 2003 have been fully considered but they are not persuasive.

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Applicant's arguments with respect to claims 11-24 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Smolik '302 and Klein '268 teach various mounting assemblies with first and second plates with apertures and projections.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jon A Szumny whose telephone number is (703) 306-3403 and (571) 272-6824 after April 7, 2005. The examiner can normally be reached on Monday-Friday 8-4.

The fax phone number for the organization where this application and proceeding are assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113 and (571) 272-3600 after April 7, 2005.

Jon Szumny
Patent Examiner
Technology Center 3600
Art Unit 3632
April 1, 2005